THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No.13595 of 2007

Date: 28.06.2007

Between:

V.Narasinga Rao.

....Petitioner

and

The Sub-Registrar.

....Respondents

O R D E R:

The petitioner submits that himself and Sri P.Venkata Ramana Murthy constructed a building in plot No.42, admeasuring 290 square meters covered out of land in T.S.No.106, 107, 112 and 113-P, Ward No.44 of Marripalem, Visakhapatnam, after obtaining permission from the Municipal Corporation. He intended to transfer his share in the building. The petitioner complains that the respondent is not receiving the sale deed, unless it is accompanied by the link document. The petitioner challenges the action of the respondent.

Heard the learned counsel for the petitioner and the learned Government Pleader for Revenue.

According to the petitioner, the property was purchased from the lawful owner and the construction was made after obtaining necessary permission from the Municipal Corporation of Visakhapatnam. He contends that insistence of link documents is not provided for under law and the demand made by the respondent in this regard cannot be sustained.

The Indian Stamp Act and the Registration Act prescribe the procedure to be followed in the matter of admitting the documents to registration. In the recent past, an amended Section 22-A of the Registration Act was introduced providing for the contingencies,

under which the registering authority may refuse to register a document. Unless and until the deficiency can be traced to any of these provisions, the respondent cannot refuse registration. The link document becomes relevant, if any dispute arises as to the title of the petitioner, that too, in a Court of law.

Hence, the writ petition is disposed of, directing the respondent to receive and process the document that may be presented by the petitioner, strictly in accordance with the provisions of the Indian Stamp Act and the Registration Act, as amended and without insisting on production of link document. There shall be no order as to costs.

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28.06.2007

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